

# **EXHIBIT E**

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## Berger & Montague, P.C.

ATTORNEYS AT LAW

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January 22, 2006

Via e-mail

J. Ross Wallin, Esq.  
**GIBSON DUNN & CRUTCHER LLP**  
200 Park Avenue  
New York, NY 10166-0193

**RE: *In re Veeco Instruments Secs. Litig.***  
**Case No. 7:05-md-01695 (CM)**

Dear Ross:

This letter responds to your letter of January 19, 2007 and your advice in our phone conversation today that Mr. Reifert will not be appearing for his noticed deposition tomorrow.

On December 11, 2006, we provided you with a deposition schedule which is the same schedule as our notice dated January 16, 2007 except for a single change to accommodate the need for the witnesses to attend Veeco's Board of Directors and Audit Committee meetings. Although you state that you proposed another schedule, as you are aware, we never accepted that schedule, nor were we required to. At no time until your letter of January 19, 2007 did you tell us that the witnesses were unavailable on any dates except for the dates of the Board of Directors and Audit Committee meetings. Moreover, your vague references to "work relating to the preparation of Veeco's year-end financial statements" would theoretically apply throughout the entire January-February time period until the filing of Veeco's Form 10-K at the end of February, as you state in your most recent letter. Therefore, theoretically, these witnesses would be unavailable for as much as a single day of deposition throughout an entire two month time period. Instead, you tell us that the witnesses are available on the days of *your* choice but not on the days that we have chosen.

Nevertheless, we are in agreement that the fact discovery cut-off should be extended, which will permit the depositions of the Veeco executives to be rescheduled. We will also reschedule the deposition of Mr. Fredericks. However, the extension of the fact discovery cut-off will also necessitate extension of the remainder of the schedule pertaining to all aspects of the schedule regarding experts.

**Berger & Montague, P.C.**

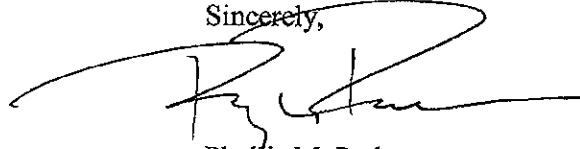
J. Ross Wallin, Esq.  
ATTORNEYS AT LAW

January 22, 2006

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Accordingly, please find enclosed a stipulation that provides for an extension of all applicable aspects of the Scheduling Order and also includes provisions that the fact discovery cut-off does not apply to discovery relating to motions that are pending at the time of the discovery cut-off, or discovery that has been ordered but that cannot be completed within the discovery period, or discovery that is the subject of disputes among the parties for which a request to file a motion to compel has been made.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phyllis M. Parker', with a long horizontal flourish extending to the right.

Phyllis M. Parker

Enclosure

cc: Robert I. Harwood, Esq. (via e-mail)  
Shane T. Rowley, Esq. (via e-mail)  
Paul J. Scarlato, Esq. (via e-mail)  
John A. Herfort, Esq. (via e-mail)  
Robert F. Serio, Esq. (via e-mail)  
Sherrie R. Savett, Esq. (via e-mail)  
Carole A. Broderick, Esq. (via e-mail)

412708

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC.	:	MDL No.: 7:05-md-01695 (CM)
SECURITIES LITIGATION	:	
-----X	:	

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THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	
-----X	:	

**JOINT STIPULATION AND [PROPOSED] ORDER  
TO REVISE PRETRIAL SCHEDULE**

Subject to approval by the Court, the parties in the above action hereby agree that Fact Discovery in the above action will be completed by February 28, 2007 and Expert Discovery shall be completed by April 20, 2007, and also agree to the specific dates for discovery as set forth below.

On July 28, 2006, the Court ordered a revised pretrial schedule containing a Fact Discovery deadline of January 31, 2007 and an Expert Discovery deadline of March 23, 2007, in addition to other specific dates. The parties believe that an adjournment of the schedule is necessary at this time due to outstanding discovery issues pending before the Court and to scheduling conflicts, and have agreed to the following:

1. Fact Discovery shall be completed by February 28, 2007.
2. The Fact Discovery cut-off does not apply to:
  - a. Discovery relating to motions that are pending at the time of the Fact Discovery cut-off;
  - b. Discovery that has been ordered but that cannot be completed within the discovery period;

c. Discovery that is the subject of disputes among the parties for which a request to file a motion to compel has been made at the time of the Fact Discovery cutoff.

3. The parties shall identify their experts and produce expert reports by March 16, 2007.

4. Any rebuttal or supplemental reports shall be produced by April 2, 2007, with explanations as to which contents were not included in the original report. Expert depositions shall ensue thereafter.

5. Expert Discovery shall be completed by April 23, 2007.

Provided, however, that in the event that Fact Discovery is had after February 28, 2007, in accordance with the provisions set forth in Paragraph 2, above, the dates set forth in Paragraphs 3-5, above, shall be extended accordingly.

The parties shall make good faith attempts to resolve any discovery issues. By the Court's October 7, 2005 Order, Magistrate Judge Yanthis has been designated by the Court to resolve any discovery disputes.

This schedule may be modified by agreement of the parties for good cause with approval by the Court.

AGREED TO BY:

BERGER & MONTAGUE, P.C.

GIBSON, DUNN & CRUTCHER, LLP

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***Lead Counsel for Lead Plaintiff Steelworkers  
Pension Trust and the Class***

Dated: \_\_\_\_\_, 2007

**IT IS SO ORDERED:**

Date: \_\_\_\_\_, 2007

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John A. Herfort, Esq.  
J. Ross Wallin, Esq.  
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New York, NY 10166  
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***Counsel for Defendants Veeco Instruments,  
Inc., Edward H. Braun, John F. Rein, Jr.  
and John P. Kiernan***

Dated: \_\_\_\_\_, 2007

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Honorable Colleen McMahon  
United States District Court Judge